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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,861	04/11/2005	Hiroshi Fukushima	3693-62	2268
23117 7590 09/14/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
NGUYEN, LAUREN				
ART UNIT		PAPER NUMBER		
2871				
MAIL DATE		DELIVERY MODE		
09/14/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/530,861	Applicant(s) FUKUSHIMA ET AL.
Examiner LAUREN NGUYEN	Art Unit 2871

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 3, 4, 7, 10 and 12-16.

Claim(s) withdrawn from consideration: 5, 6, 9 and 11.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/David Nelms/
Supervisory Patent Examiner, Art Unit 2871

/L. N./
Examiner, Art Unit 2871

Status is after final and prosecution is closed. It is respectfully pointed out that Applicant's arguments are not persuasive. Claims 11, 13, 4, 7, 10 and 12-16 remain rejected as explain in the final rejection dated 05/22/2009 for the reasons as stated in the final office action. Examiner has fully considered all of Applicant's arguments and finds them conclusory in nature.

Regarding claim 1, Applicant argues that Knight does not teach a transparent resin layer as claimed. Although the dictionary definition does not specifically identify liquid crystal as a resin, the examiner maintains that liquid crystal does fit the definition as a polymerizable material. Further, numerous references contain the term "liquid crystal resin", such as Noda (U.S. Patent No. 5,781,264; Column 5 line 25), Tomita et al. (U.S. Patent No. 5,567,485; abstract), Machida et al. (U.S. Patent No. 6,605,324; Title). These are not isolated instances as a text search of the national and foreign patent literature yields 1,363 results for the search term "liquid crystal resin". Clearly, one skilled in the art would recognize liquid crystals as a subset of materials within the set of materials classifiable as resins.

The examiner maintains the rejection.

American Heritage Dictionary describes resin as the following:

Any of numerous physically similar polymerized synthetics or chemically modified natural resins including thermoplastic material such as polyvinyl, polystyrene, and polyethylene, and thermosetting material such as polyesters, epoxies, and silicones that are used with fillers; stabilizers, pigments, and other components to Form plastics, resin. (n.d.). The American Heritage © Dictionary of the English Language, Fourth Edition. Retrieved July 14, 2008, from Dictionary.com website.

The applicant further argues one of ordinary skill in the art would have had no reason to modify Knight to provide for creating 3D images and Sakata is unconcerned with generating 3D image. The examiner respectfully disagrees. 11. Knight / Sakata discloses the limitations as claimed but is silent regarding forming a pair of polarizers sandwiching the pair of transparent-electrode substrates therebetween, wherein the directions of transmission easy axes of the pair of polarizers are approximately parallel to each other. Eichenlaub, in at least column 6, lines 66-67; and column 7, and 1-4, figures 2 and 6, discloses a pair of polarizers (35 and 40) sandwiching the pair of transparent-electrode substrates (36 and 38) therebetween, wherein the directions of transmission easy axes of the pair of polarizers are approximately parallel to each other (see at least column 7, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the parallax barrier device of Knight / Sakata with the pair of polarizers of Eichenlaub because such modification would provide a thinner, simpler, and less expensive device in which 2D image can be viewed without applying voltage to the barrier device and 3D image can be viewed by applying voltage to the barrier device (see at least column 7, lines 10-25).